S.B.Civil Writ Petition NO.1448/2005
Sunder Lal
vs
Satya Narain & Ors.

DATE OF ORDER : - 15.3.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. G.R.Punia,for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner sought transfer of number of cases, which are as under: -

1. Civil Suit No.3/2003-Sunder lal Vs. Kana Ram & Ors.
2. Civil Suit No.48/1998-Sunder Lal Vs. Satya Narain
3. Civil Suit No.276/2001-Sunder lal Vs. Raghunath & Ors.
4. Civil Suit NO.402/2001-Satya Narain Vs. Sunder lal & Ors.
5. Civil Suit No.194(7)/2004-Satya Narain Vs. Sunder Lal & Ors.

The petitioner's application for transfer of the above cases was dismissed by the learned District Judge, Bikaner vide order dated 18.2.2005 after taking note of the fact that Civil Suit No.48/1998-SunderLal Vs. Raghunath & Ors pending before the court of Addl. Civil Judge (JD) No.2, Bikaner is at the stage of final arguments and Civil Suit NO.3/2003-Sunder Lal Vs.Kana Ram & Ors is pending before the Court of Addl. Civil Judge (Sr.Div.) No.4, Bikaner and plaintiffs' evidence is going

on. The ground for transfer is that in Civil Suit No.3/2003-Sunder lal Vs. Kana Ram & Ors the affidavit of the plaintiff has already been filed,but he has not been examined and, therefore, the petitioner has no hope of getting justice from the court. The learned District Judge held that simply because of the fact that case has not progressed at the stage of cross-examination, it cannot be said that the petitioner cannot get the justice from the court. It will be worthwhile to mention here that the petitioner in the application, sought transfer of Civil Suit No.48/98-Sunder Lal Vs. Satya Narain and Civil Suit No.3/2003-Sunder lal Vs. Kana Ram & Ors., but submitted particulars of other cases by moving another application, number of which are referred above.

It is clear from the above facts itself that almost all the three cases have been filed by the plaintiff himself and two have been filed by the other persons against the plaintiff. It is clear from the facts mentioned above itself that the petitioner wants to get the suits transfer to one court, which were filed in the period of about six years, from 1998 to 2004 and one of the case referred above, is at the stage of final arguments. There appears to be no reason for consolidation of the suits at this stage and sending back one case from the stage of final arguments to the stage of even framing of the issue, which may require after consolidation of the suits. Otherwise also, looking to the stage at

which the suits are pending, no useful purpose can be served by transferring the cases.

In view of the above, I do not find any reason for transfer of the cases. Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-